THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.17844 OF 1999

DATED:7.3.2006

Between:

R. Anandaiah

…Petitioner

And

The Commissioner, Tirupati Municipality,

Tirupati, Chittoor District and another

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.17844 OF 1999

ORDER:

The petitioner was statedly an Ex-serviceman. For that reason he was assigned house site in S.No.43/1 admeasuring Acs.0.02 situated at Tirupati town in the year 1993. However, in 1995 the house site allotted to petitioner was utilized by the Municipality for construction of overhead tank. The petitioner requested for allotment of alternative site. First respondent Municipality passed a resolution expressing no objection for allotment of municipal site. Accordingly, first respondent sought permission of the Government to assign/allot another house site. The same was forwarded by the Commissioner to the Government whereupon by their Memo dt.24.11.1997 the Government requested the Municipal Commissioner to locate a better site and give it to the petitioner/claimant on value to value basis. In spite of the

same, he was not allotted house site. Therefore, he filed the present Writ Petition seeking *inter alia* a direction to the respondents to allot plot measuring 16' and 60' (roughly about 900 Sq.feet) in S.No.45/2 of Journalists Colony, Tirupati.

The Commissioner of Tirupati Municipality has filed a counter affidavit. Various petition averments are not denied. On the contrary, it is admitted that the Municipality is taking necessary steps for providing alternative site and also stated that the petitioner may be allotted alternative site as soon as the process of identification of the land is completed.

The matter was initially listed before this Court on 28.2.2006. As the counter affidavit of the Municipality was filed on 9.12.1999 so as to enable the learned Standing Counsel for Tirupati Municipality to get instructions on the latest position, the matter was adjourned. Today when the matter is called, learned Standing Counsel submits that he did not receive any instructions. In the affidavit accompanying the Writ Petition the petitioner alleges that house sites are available in Journalists Colony in S.No.45/2, in K.K.Layout in T.S.No.3196, and in N.G.Os Colony in T.S.No.14-3 of Tirupati. This is not denied by the respondents. Therefore, instead of keeping the matter pending, this Writ Petition can be disposed of directing the first respondent to consider the case of the petitioner for allotment of house site in any of the three colonies referred to hereinabove duly keeping in view the instructions issued by the Government with regard to allotment of house site free of cost to Ex-serviceman. This exercise may be completed within a period of eight weeks from the date of receipt of a copy of this order.

The Writ Petition is accordingly disposed of.

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(V.V.S.RAO, J)

7.3.2006

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Note: Issue CC in one week.

(B.O)

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